

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

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**DATATREASURY CORP.**

*Plaintiff*

CV No: 2-03CV-459 (DF)

VS.

Hon. David J. Folsom

**MAGTEK, INC., f/k/a  
MAG-TEK, INC.**

JURY DEMAND

*Defendant*

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**AGREED DOCKET CONTROL ORDER**

Pursuant to the Court's authority under Federal Rules of Civil Procedure 16 and 26, it is hereby ORDERDED that the parties comply with the following docket control timetable:

STEP	ACTION	RULE	DATE
1	Initial Case Management Conference	Patent L.R. 2-1 FRCP 26(f)	9/3/04
2	Parties Exchange Initial Disclosures	FRCP 26(f)	(completed) 8/13/04
3	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions	Patent L.R. 3-1	9/13/04
4	Patentee makes Document Production Accompanying Disclosure	Patent L. R. 3-2	9/13/04
5	Case Management Statement	Patent L.R. 2-1 FRCP 26(f)	11/15/04
6	Accused Infringer serves Preliminary Invalidity Contentions	Patent L. R. 3-3	10/28/04
7	Accused Infringer makes Document Production Accompanying Preliminary Invalidity Contentions	Patent L.R. 3-4	10/28/04
8	Parties Exchange any Proposed Terms and Claim Elements for Construction	Patent L. R. 4-1 (a)	12/5/05
9	Parties meet and confer to discuss list of Proposed Terms and Claim Elements for Construction	Patent L. R. 4-1 (b)	on or before 12/9/05
10	Parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence	Patent L. R. 4-2	12/19/05
11	Parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	Patent L. R. 4-2 (c)	12/26/05
12	Parties meet and confer to discuss Claim Construction Proceedings		on or before 1/06/06
13	Parties Jointly file joint Claim Construction and Prehearing Statement	Patent L. R. 4-3	1/13/06
14	Completion of Claim Construction Discovery	Patent L. R. 4-4	1/24/06
15	Patentee files Opening Claim Construction Brief on Claim Construction issues		1/31/06

STEP	ACTION	RULE	DATE
16	Accused Infringer files <u>Responsive Claim</u> Construction Brief on Claim Construction issues		2/14/06
17	Patentee files Reply Brief on Claim Construction issues		2/21/06
18	Hearing on Claim Construction issues		TBD
19	Ruling on Claim Construction issues entered by the Court		TBD
20	Patentee makes Final Infringement Contentions	Patent L.R. 3-6 (a)	CCR + 4 wks
21	Accused Infringer makes Final Invalidity Contentions	Patent L. R. 3-6 (b)	CCR + 8 wks
22	Accused Infringer makes Disclosure Relating to Willfulness	Patent L. R. 3-8	CCR + 8 wks
23	Parties make Final Designations of all Expert Witnesses (except rebuttal witnesses)		CCR + 24 wks
23(a)	Parties Provide Expert Witness Reports		CCR + 24 wks
23(b)	Parties Provide Rebuttal Expert Witness Reports		CCR + 28 wks
24	Completion of all Remaining Fact and Expert Discovery		CCR + 32 wks
25	Patentee identifies Trial Witnesses		CCR + 45 wks
25	Accused Infringer identifies Trial Witnesses		CCR + 46 wks
27	Deadline for filing all Dispositive and <i>Daubert</i> Motions		CCR + 36 wks
28	Deadline for filing Responses to Dispositive and <i>Daubert</i> Motions		CCR + 40 wks
29	Deadline for filing Replies re Dispositive and <i>Daubert</i> Motions		CCR + 44 wks
30	Hearing for Dispositive and <i>Daubert</i> Motions		CCR + 46 wks.

STEP	ACTION	RULE	DATE
31	Parties to file Proposed Joint Final Pretrial Order that includes Proposed Jury Instructions, Joint Verdict Forms & Motions in <i>Limine</i>		CCR + 48 wks
32	Final Pretrial Conference before Judge David Folsom		10/3/06 or at least 48 wks from CCR.
33	Jury Selection		10/10/06

This Docket Control Order shall not be modified except by leave of Court or upon agreement of all parties.

SIGNED this 25 day of July, 2005,



HON. DAVID J. FOLSOM  
UNITED STATES DISTRICT JUDGE

AGREED:



D. Neil Smith  
Attorney for Plaintiff



Wesley Hill  
Attorney for Defendant